

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO: 3:09-CV-377-RJC-DCK**

CGM, LLC,)
)
Plaintiff,)
v.) ORDER
)
AT & T, CORP., and)
BELLSOUTH TELE-)
COMMUNICATIONS, INC.)
)
Defendants.)

THIS MATTER IS BEFORE THE COURT on the “Defendant BellSouth’s Motion to Strike Sur-reply or For Leave to File Response to Sur-reply” (Document No. 41) filed on November 13, 2009. This two-part motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and immediate review is appropriate. BellSouth Telecommunications, Inc. (“BellSouth”) correctly points out that Plaintiff improperly filed a sur-reply without leave of Court and without consulting with BellSouth, as required by Local Rule 7.1(B). The undersigned expects all parties to comply with our Local Rules. BellSouth further asserts that the sur-reply is not limited to a discussion of matters newly raised in the response, but raises “a few points that warrant correction.” The additional briefs largely concern jurisdictional and/or procedural matters.

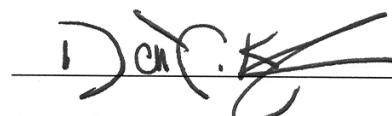
As BellSouth has tendered a concise response, and in the interests of having the full arguments of the parties before the Court, the undersigned will in this instance allow the filing of both the sur-reply and response. In short, briefing is now concluded. Permission for additional

rounds of briefing is unlikely. Having fully considered the record, the undersigned will rule as follows:

IT IS, THEREFORE, ORDERED that the first part of the “Motion to Strike Sur-reply” (Document No. 41) is **DENIED**, and the second part of the motion, BellSouth’s request for “Leave to File Response to Sur-reply,” (Document No. 41) is **GRANTED**; the Clerk of Court is directed to file the tendered “Response to Sur-reply” (Document No. 41-1) in the docket.

IT IS SO ORDERED.

Signed: November 19, 2009



David C. Keesler
United States Magistrate Judge
